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The rule of law at the national and international levels

Draft resolution submitted by the President of the General Assembly

Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels

The General Assembly,

Adopts the following Declaration:

Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels

We, Heads of State and Government, and heads of delegation have gathered at United Nations Headquarters in New York on 24 September 2012 to reaffirm our commitment to the rule of law and its fundamental importance for political dialogue and cooperation among all States and for the further development of the three main pillars upon which the United Nations is built: international peace and security, human rights and development. We agree that our collective response to the challenges and opportunities arising from the many complex political, social and economic transformations before us must be guided by the rule of law, as it is the foundation of friendly and equitable relations between States and the basis on which just and fair societies are built.

I

1. We reaffirm our solemn commitment to the purposes and principles of the Charter of the United Nations, international law and justice, and to an international order based on the rule of law, which are indispensable foundations for a more peaceful, prosperous and just world.

2. We recognize that the rule of law applies to all States equally, and to international organizations, including the United Nations and its principal organs, and that respect for and promotion of the rule of law and justice should guide all of

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their activities and accord predictability and legitimacy to their actions. We also recognize that all persons, institutions and entities, public and private, including the State itself, are accountable to just, fair and equitable laws and are entitled without any discrimination to equal protection of the law.

3. We are determined to establish a just and lasting peace all over the world, in accordance with the purposes and principles of the Charter of the United Nations. We rededicate ourselves to support all efforts to uphold the sovereign equality of all States, to respect their territorial integrity and political independence, to refrain in our international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations, and to uphold the resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination and foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion, international cooperation in solving international problems of an economic, social, cultural or humanitarian character and the fulfilment in good faith of the obligations assumed in accordance with the Charter.

4. We reaffirm the duty of all States to settle their international disputes by peaceful means, inter alia through negotiation, enquiry, good offices, mediation, conciliation, arbitration and judicial settlement, or other peaceful means of their own choice.

5. We reaffirm that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations.

6. We reaffirm the solemn commitment of our States to fulfil their obligations to promote universal respect for, and the observance and protection of, all human rights and fundamental freedoms for all. The universal nature of these rights and freedoms is beyond question. We emphasize the responsibilities of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind.

7. We are convinced that the rule of law and development are strongly interrelated and mutually reinforcing, that the advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law, and for this reason we are convinced that this interrelationship should be considered in the post-2015 international development agenda.

8. We recognize the importance of fair, stable and predictable legal frameworks for generating inclusive, sustainable and equitable development, economic growth and employment, generating investment and facilitating entrepreneurship, and in this regard we commend the work of the United Nations Commission on International Trade Law in modernizing and harmonizing international trade law.

9. States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international

law and the Charter that impede the full achievement of economic and social development, particularly in developing countries.

10. We recognize the progress made by countries in advancing the rule of law as an integral part of their national strategies. We also recognize that there are common features founded on international norms and standards which are reflected in a broad diversity of national experiences in the area of the rule of law. In this regard, we stress the importance of promoting the sharing of national practices and of inclusive dialogue.

11. We recognize the importance of national ownership in rule of law activities, strengthening justice and security institutions that are accessible and responsive to the needs and rights of all individuals and which build trust, promote social cohesion and economic prosperity.

12. We reaffirm the principle of good governance and commit to an effective, just, non-discriminatory and equitable delivery of public services pertaining to the rule of law, including criminal, civil and administrative justice, commercial dispute settlement and legal aid.

13. We are convinced that the independence of the judicial system, together with its impartiality and integrity, is an essential prerequisite for upholding the rule of law and ensuring that there is no discrimination in the administration of justice.

14. We emphasize the right of equal access to justice for all, including members of vulnerable groups, and the importance of awareness-raising concerning legal rights, and in this regard we commit to taking all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all, including legal aid.

15. We acknowledge that informal justice mechanisms, when in accordance with international human rights law, play a positive role in dispute resolution, and that everyone, particularly women and those belonging to vulnerable groups, should enjoy full and equal access to these justice mechanisms.

16. We recognize the importance of ensuring that women, on the basis of the equality of men and women, fully enjoy the benefits of the rule of law, and commit to using law to uphold their equal rights and ensure their full and equal participation, including in institutions of governance and the judicial system, and recommit to establishing appropriate legal and legislative frameworks to prevent and address all forms of discrimination and violence against women and to secure their empowerment and full access to justice.

17. We recognize the importance of the rule of law for the protection of the rights of the child, including legal protection from discrimination, violence, abuse and exploitation, ensuring the best interests of the child in all actions, and recommit to the full implementation of the rights of the child.

18. We emphasize the importance of the rule of law as one of the key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding, stress that justice, including transitional justice, is a fundamental building block of sustainable peace in countries in conflict and post-conflict situations, and stress the need for the international community, including the United Nations, to assist and support such countries, upon their request, as they may face special challenges during their transition.

19. We stress the importance of supporting national civilian capacity development and institution-building in the aftermath of conflict, including through peacekeeping operations in accordance with their mandates, with a view to delivering more effective civilian capacities, as well as enhanced, international, regional, North-South, South-South and triangular cooperation, including in the field of the rule of law.

20. We stress that greater compliance with international humanitarian law is an indispensable prerequisite for improving the situation of victims of armed conflict, and we reaffirm the obligation of all States and all parties to armed conflict to respect and ensure respect for international humanitarian law in all circumstances, and also stress the need for wide dissemination and full implementation of international humanitarian law at the national level.

21. We stress the importance of a comprehensive approach to transitional justice incorporating the full range of judicial and non-judicial measures to ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system and restore confidence in the institutions of the State and promote the rule of law. In this respect, we underline that truth-seeking processes, including those that investigate patterns of past violations of international human rights law and international humanitarian law and their causes and consequences, are important tools that can complement judicial processes.

22. We commit to ensuring that impunity is not tolerated for genocide, war crimes and crimes against humanity or for violations of international humanitarian law and gross violations of human rights law, and that such violations are properly investigated and appropriately sanctioned, including by bringing the perpetrators of any crimes to justice, through domestic mechanisms or, where appropriate, regional or international mechanisms, in accordance with international law, and for this purpose we encourage States to strengthen national judicial systems and institutions.

23. We recognize the role of the International Criminal Court in a multilateral system that aims to end impunity and establish the rule of law, and in this respect, we welcome the States that have become parties to the Rome Statute of the International Criminal Court, and call upon all States that are not yet parties to the Statute to consider ratifying or acceding to it, and emphasize the importance of cooperation with the Court.

24. We stress the importance of strengthened international cooperation, based on the principles of shared responsibility and in accordance with international law, in order to dismantle illicit networks and counter the world drug problem and transnational organized crime, including money-laundering, trafficking in persons, trafficking in arms and other forms of organized crime, all of which threaten national security and undermine sustainable development and the rule of law.

25. We are convinced of the negative impact of corruption, which obstructs economic growth and development, erodes public confidence, legitimacy and transparency and hinders the making of fair and effective laws, as well as their administration, enforcement and adjudication, and therefore stress the importance of the rule of law as an essential element in addressing and preventing corruption, including through strengthening cooperation among States concerning criminal matters.

26. We reiterate our strong and unequivocal condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security; we reaffirm that all measures used in the fight against terrorism must be in compliance with the obligations of States under international law, including the Charter of the United Nations, in particular the purposes and principles thereof, and relevant conventions and protocols, in particular human rights law, refugee law and humanitarian law.

II

27. We recognize the positive contribution of the General Assembly, as the chief deliberative and representative organ of the United Nations, to the rule of law in all its aspects through policymaking and standard setting, and through the progressive development of international law and its codification.

28. We recognize the positive contribution of the Security Council to the rule of law while discharging its primary responsibility for the maintenance of international peace and security.

29. Recognizing the role under the Charter of effective collective measures in maintaining and restoring international peace and security, we encourage the Security Council to continue to ensure that sanctions are carefully targeted, in support of clear objectives and designed carefully so as to minimize possible adverse consequences, and that fair and clear procedures are maintained and further developed.

30. We recognize the positive contribution of the Economic and Social Council to strengthening the rule of law, pursuing the eradication of poverty and furthering the economic, social and environmental dimensions of sustainable development.

31. We recognize the positive contribution of the International Court of Justice, the principal judicial organ of the United Nations, including in adjudicating disputes among States, and the value of its work for the promotion of the rule of law; we reaffirm the obligation of all States to comply with the decisions of the International Court of Justice in cases to which they are parties; and we call upon States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute. We also recall the ability of the relevant organs of the United Nations to request advisory opinions from the International Court of Justice.

32. We recognize the contributions of the International Tribunal for the Law of the Sea, as well as other international courts and tribunals, in advancing the rule of law at the international and national levels.

33. We commend the work of the International Law Commission in advancing the rule of law at the international level through the progressive development of international law and its codification.

34. We recognize the essential role of parliaments in the rule of law at the national level, and welcome the interaction among the United Nations, national parliaments and the Inter-Parliamentary Union.

35. We are convinced that good governance at the international level is fundamental for strengthening the rule of law, and stress the importance of

continuing efforts to revitalize the General Assembly, to reform the Security Council and to strengthen the Economic and Social Council, in accordance with relevant resolutions and decisions.

36. We take note of the important decisions on reform of the governance structures, quotas and voting rights of the Bretton Woods institutions, better reflecting current realities and enhancing the voice and participation of developing countries, and we reiterate the importance of the reform of the governance of those institutions in order to deliver more effective, credible, accountable and legitimate institutions.

III

37. We reaffirm that States shall abide by all their obligations under international law, and stress the need to strengthen support to States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building.

38. We stress the importance of international cooperation and invite donors, regional, subregional and other intergovernmental organizations, as well as relevant civil society actors, including non-governmental organizations, to provide, at the request of States, technical assistance and capacity-building, including education and training on rule of law related issues, as well as to share practices and lessons learned on the rule of law at the international and national levels.

39. We take note of the report of the Secretary-General entitled "Delivering justice: programme of action to strengthen the rule of law at the national and international levels".[1]

40. We request the Secretary-General to ensure greater coordination and coherence among the United Nations entities and with donors and recipients to improve the effectiveness of rule of law capacity-building activities.

41. We emphasize the importance of continuing our consideration and promotion of the rule of law in all its aspects and, to that end, we decide to pursue our work in the General Assembly to develop further the linkages between the rule of law and the three main pillars of the United Nations: peace and security, human rights and development. To that end, we request the Secretary-General to propose ways and means of developing, with wide stakeholder participation, further such linkages, and to include this in his report to the General Assembly at its sixty-eighth session.

42. We acknowledge the efforts to strengthen the rule of law through voluntary pledges in the context of the High-level Meeting, and encourage States that have not done so to consider making pledges individually or jointly, based on their national priorities, including pledges aimed at sharing knowledge, best practices and enhancing international cooperation, including regional and South-South cooperation.

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[1] A/66/749.